

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 16 has been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 3, 4 and 27 were previously cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 1, 2, 5-8, 10-15, 17, 18, 20-23 and 26 have been amended. Claims 1-2, 5-15 and 17-26 are pending in the present application, of which claims 1, 2, 13, and 26 are independent.

**IDS Considered**

The indication that the Information Disclosure Statement (IDS) filed on May 7, 2009 and the references listed therein have been considered is noted with appreciation.

**Claim Rejection Under 35 U.S.C. §102**

Claims 1, 2, 5-9, 12-18, and 22-26 are rejected under 35 U.S.C. §102(e) as being anticipated by Talpade et al. (U.S. Publication No.2004/0148520, hereinafter Talpade). (At Item 9 on page 4, the Office Action asserts that these claims are rejected under 35 U.S.C. §102(a). However, it is believed to be a typographical error, because the publication date of Talpade (July 29, 2004) is after the filing date of this application (March 1, 2004). Accordingly, Applicants will respond as though a §102(e) rejection has been made.) Claim 16 has been cancelled, without prejudice, thereby rendering this rejection moot with respect to this claim. However, with respect to claims 1, 2, 5-9, 12-15, 17, 18, and 22-26 Applicants respectfully traverse this rejection.

**INDEPENDENT CLAIM 1**

Independent claim 1 recites (among other things) a feature of:

the notification unit notifies the other unauthorized access prevention systems of the determination when the determination unit

determines the other communication networks as the countermeasure implementation planning places, and

the notification unit notifies the edge routers or the POP edge routers of the determination when the other communication networks do not have a reliable relationship with the users' communication network even if the determination unit determines the other communication networks as the countermeasure implementation planning places.

As will be explained below, this feature of claim 1 is a distinction over Talpade.

Regarding claim 1, the Office action asserts that Talpade teaches a determination unit determining a place to implement a countermeasure for protecting the services from the unauthorized access based on the result of the search and a notification unit notifying only a flow source that is one of the other communication networks of the countermeasure implementation planning place.

However, Talpade merely discloses that the analysis engine 232 shown in Fig.2 controls only routers which reside in the ISP network 202 to mitigate DDoS attacks. In other words, Talpade fails to disclose or suggest notifying other unauthorized access prevention systems, which reside within the other communication networks that are outside of the ISP network 202, of determination about the countermeasure implementation planning places. Hence, at least one of the features of claim 1, namely "the notification unit notifies the other unauthorized access prevention systems of the determination when the determination unit determines the other communication networks as the countermeasure implementation planning places, and the notification unit notifies the edge routers or the POP edge routers of the determination when the other communication networks do not have a reliable relationship with the users' communication network even if the determination unit determines the other communication networks as the countermeasure implementation planning places," provide distinctions over Talpade.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 1 noted above, at least one claimed element is not present in Talpade. Hence, Talpade does not anticipate claim 1.

### **INDEPENDENT CLAIM 2**

Independent claim 2 recites (among other things) a feature of:

the notification process notifies the other unauthorized access prevention systems of the determination when it is determined that the other communication networks are the countermeasure implementation planning places, and

the notification process notifies the edge routers or the POP edge routers of the determination when the other communication networks do not have a reliable relationship with the users' communication network even if it is determined that the other communication networks are the countermeasure implementation planning places.

This feature of claim 2, which is similar to the claim 1 feature discussed above, is a distinction over Talpade for the same reasons set forth above.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 2 noted above, at least one claimed element is not present in Talpade. Hence, Talpade does not anticipate claim 2.

Further, claims 5-9, 12, 15, 17, 18 and 22-25 ultimately depend from claim 2, and so at least similarly distinguish over Talpade. Hence, Talpade also does not anticipate claims 5-9, 12, 15, 17-18 and 22-25.

### **INDEPENDENT CLAIM 13**

Independent claim 13 recites (among other things) a feature of:

the notification process notifies other unauthorized access prevention systems each of which resides within the other communication networks of the determination of the countermeasure implementation

planning places, when it is judged that the other communication networks are notified of the determination,

the notification process notifies the edge routers or the POP edge routers of the determination that the other communication networks do not have a reliable relationship with the users' communication network even if it is judged that the other communication networks are notified of the determination.

This feature of claim 13, which is similar to the claim 1 feature discussed above, is a distinction over Talpade for the same reasons set forth above.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 13 noted above, at least one claimed element is not present in Talpade. Hence, Talpade does not anticipate claim 13.

Further, claim 14 ultimately depends from claim 13, and so at least similarly distinguishes over Talpade. Hence, Talpade also does not anticipate claim 14.

#### **INDEPENDENT CLAIM 26**

Independent claim 26 recites (among other things) a feature of:

the notifying notifies the other unauthorized access prevention systems of the determination when it is determined that the other communication networks are the countermeasure implementation planning places, and

the notifying notifies the edge routers or the POP edge routers of the determination that the other communication networks do not have a reliable relationship with the users' communication network even if it is determined that the other communication networks are the countermeasure implementation planning places.

This feature of claim 26, which is similar to the claim 1 feature discussed above, is a distinction over Talpade for the same reasons set forth above.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 26 noted above, at least one claimed element is not present in Talpade. Hence, Talpade does not anticipate claim 26.

In view of foregoing discussion, the rejection of claims 1, 2, 5-9, 12-15, 17, 18, and 22-26 is believed to have been overcome. Accordingly, withdrawal of the rejection is respectfully requested.

**Claim Rejection Under 35 U.S.C. §103**

Claims 10, 11 and 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Talpade in view of Kaler et al. (U.S. Publication No.2004/0003286, hereafter Kaler). Applicants respectfully traverse this rejection.

Claims 10, 11 and 19-21 depend from independent claim 2. A basis for how Talpade is deficient vis-à-vis claim 2 has been discussed above. The Office Action does not rely upon Kaler to compensate for these deficiencies and in fact Kaler also fails to teach or suggest these features. Hence, the noted feature of claim 2 also is a distinction over Kaler.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 2 noted above, at least one claimed element is not present in the asserted combination references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 2. Claims 10-11 and 19-21 ultimately depend from independent claim 2, and so at least similarly distinguish over the asserted combination of references.

**PATENT**

Atty Docket No.: 1503.69885  
App. Ser. No.: 10/790,655

In view of foregoing discussion, the rejection of the claims 10-11 and 19-21 is believed to have been overcome. Accordingly, withdrawal of the rejection is respectfully requested.

**Conclusion**

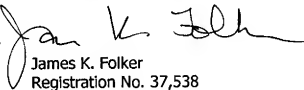
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 07-2069.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By   
James K. Folker  
Registration No. 37,538

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300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
(312) 360-0080  
Customer No. 24978